

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF OKLAHOMA
OKLAHOMA CITY DIVISION**

In re **John D. Brooker**
Darlene J. Brooker

CASE NO.:
CHAPTER 13

/ Debtors

Attorney for Debtor: **Gary D. Hammond**

CHAPTER 13 PLAN

1. FUNDING OF PLAN

The debtor shall commit the following future earnings, property, or other income to the custody and control of the standing trustee to fund the chapter 13 plan:

Debtor's Net Monthly Income:

| | |
|-------------------------------------|-------------------|
| Husband & Wife's Monthly Take Home: | \$4,544.10 |
| Less Expenses: | \$1,917.00 |
| SURPLUS: | \$2,627.10 |

Plan Payment:

The debtor to pay: **\$2,160.00 monthly for 60 periods**

The joint debtor to pay:

Total Payments: **\$129,600.00**

2. DURATION

It is proposed that payments shall be made over a period of **60 months**.

3. PAYMENTS TO THE TRUSTEE SHALL BE MADE FROM:

- ☒ Direct Payments from Debtor(s)
☐ Debtor's Employer

From the payments so received, the trustee shall make disbursements as follows:

4. ADMINISTRATIVE COSTS

Trustee's Compensation: **10%**

Attorney's Fee

| | |
|--------------------|-------------------|
| Prepaid Portion | \$1,750.00 |
| Pay Through Plan | \$1,750.00 |
| Total Attorney Fee | \$3,500.00 |

| | <u>TOTAL</u> | <u>MONTHS</u> | <u>MONTHLY PAYMENT</u> |
|----------------------|-------------------|---------------|----------------------------|
| Paid Through Plan | | | |
| Monthly Installments | \$1,750.00 | 1-59 | Pro-Rata |

5. PAYMENTS TO PRIORITY CLAIMS

The debtor shall make full payment in deferred cash payments of all claims entitled to priority under 11 U.S.C. § 507, as follows:

| | <u>AMOUNT CLAIMED</u> | <u>NUMBER OF MONTHS</u> | <u>AVERAGE MONTHLY PAYMENT</u> | <u>TOTAL PAYMENT</u> |
|-----------------|---------------------------|-----------------------------|--|--------------------------|
| <u>CREDITOR</u> | | | | |
| None | | | | |

6. PAYMENTS TO SECURED CLAIMS

Holders of allowed secured claims shall retain the liens securing such claims and shall be paid as shown. Payments towards deficiencies on undersecured claims are listed with the Unsecured Claims. Payments towards arrearages on fully secured claims are listed under Arrearages.

| | <u>AMOUNT CLAIMED</u> | <u>VALUE OF COLLATERAL</u> | <u>INT. RATE</u> | <u>NO. OF MOS.</u> | <u>AVERAGE MONTHLY PAYMENT</u> | <u>TOTAL PAYMENT</u> |
|-----------------|---------------------------|--------------------------------|----------------------|----------------------------|--|--------------------------|
| <u>CREDITOR</u> | | | | | | |

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| | | | | | | |
|------------------------------|--------------------|--------------------|-----------|---------------------------------|-----------------|--------------------|
| Americas Servicing Co | \$81,664.00 | \$81,664.00 | 0% | 60 (Pass-Thru) | \$966.00 | \$57,960.00 |
| Americas Servicing Co | \$19,507.00 | \$19,507.00 | 0% | 60 (Pass-Thru) | \$212.00 | \$12,720.00 |
| Tinker FCU | \$17,639.00 | \$17,639.00 | 0% | 60 (Pass-Thru) | \$274.00 | \$16,440.00 |

7. ARREARAGES ON SECURED CLAIMS

| <u>CREDITOR</u> | <u>ARREARAGE</u> | <u>INTEREST RATE</u> | <u>NUMBER OF MONTHS</u> | <u>AVERAGE MONTHLY PAYMENT</u> | <u>TOTAL PAYMENT</u> |
|------------------------------|--------------------|----------------------|-------------------------|--------------------------------|----------------------|
| Americas Servicing Co | \$19,000.00 | 6% | 59 | Pro-Rata | \$21,988.15 |
| Americas Servicing Co | \$4,500.00 | 6% | 59 | Pro-Rata | \$5,207.70 |

8. PROPERTIES TO BE SURRENDERED

The debtor shall surrender the collateral securing the claims of the following creditors in satisfaction of the secured portion of such creditors' allowed claims. To the extent that the collateral does not satisfy such a creditor's claim, the creditor shall hold a nonpriority, unsecured claim.

| <u>CREDITOR</u> | <u>AMOUNT CLAIMED</u> | <u>VALUE OF COLLATERAL</u> |
|-----------------|-----------------------|----------------------------|
| None | | |

9. LIEN AVOIDANCE

The following liens shall be avoided pursuant to 11 U.S.C. § 522(f), or other applicable sections of the Bankruptcy Code:

| <u>CREDITOR</u> | <u>AMOUNT CLAIMED</u> | <u>VALUE OF COLLATERAL</u> |
|-----------------|-----------------------|----------------------------|
| None | | |

10. PAYMENTS TO SPECIALLY CLASSIFIED UNSECURED CLAIMS

The following unsecured claims are classified separately and shall be treated differently from other general unsecured claims:

| <u>CREDITOR / REASON FOR SPECIAL CLASS</u> | <u>AMOUNT CLAIMED</u> | <u>NUMBER OF MONTHS</u> | <u>AVERAGE MONTHLY PAYMENT</u> | <u>TOTAL PAYMENT</u> |
|--|-----------------------|-------------------------|--------------------------------|----------------------|
| None | | | | |

11. PAYMENTS TO GENERAL UNSECURED CLAIMS

General unsecured claims shall be paid pro rata at 0% of their claims, after all other claims are paid. Unsecured claims shall receive not less than the amount that would be paid on each claim if the estate were liquidated under Chapter 7.

12. EXECUTORY CONTRACTS

Unexpired leases and executory contracts will be treated as follows:

| <u>CREDITOR</u> | <u>DESCRIPTION OF CONTRACT</u> | <u>ELECTION</u> | <u>IN DEFAULT</u> |
|-----------------|--------------------------------|-----------------|-------------------|
| None | | | |

13. DIRECT PAYMENTS

The debtor shall make regular payments directly to the following creditors:

| <u>CREDITOR</u> | <u>AMOUNT OF DEBT</u> | <u>MONTHLY AMOUNT</u> |
|-----------------|-----------------------|-----------------------|
| None | | |

14. OTHER PROVISIONS

None

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15. REVESTMENT

Upon confirmation of the Plan, all property of the estate shall vest in the debtor pursuant to 11 U.S.C. § 350 (or possibly 11 U.S.C. § 1327(b)). The debtor shall remain in possession of all property of the estate during the pendency of this case unless specifically provided herein (11 U.S.C. § 1306(b)). All secured creditors shall retain the liens securing their claims unless otherwise stated.

Dated: 1/7/2015

/s/ John D. Brooker

Debtor: **John D. Brooker**
1412 NW 141st Street
Edmond, OK 73013

/s/ Darlene J. Brooker

Debtor: **Darlene J. Brooker**

/s/ Gary D. Hammond

Attorney: **Gary D. Hammond** Bar No. **13825**
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SUMMARY AND ANALYSIS OF PLAN PAYMENTS TO BE MADE BY TRUSTEE

A. Total debt provided under the Plan and administrative expenses

| | |
|---------------------------------------|-------------------------|
| 1. Attorney Fees | <u>\$1,750.00</u> |
| 2. Mortgage Arrears | <u>\$0.00</u> |
| 3. Secured Claims | <u>\$114,315.85</u> |
| 4. Priority Claims | <u>\$0.00</u> |
| 5. Separate Class of Unsecured Claims | <u>\$0.00</u> |
| 6. All other unsecured claims | <u>\$574.15</u> |
| Total payments to above Creditors | <u>\$116,640.00</u> |
| Trustee percentage | <u>\$12,960.00</u> |
| * Total Debtor payments to the Plan | <u>\$129,600.00</u> |

* Total payments must equal total of payments set forth in paragraph 1 on page 1 of this Plan.

B. Reconciliation with Chapter 7

| | |
|--|---------------------|
| 1. Interest of unsecured creditors if Chapter 7 filed | |
| a. Total property of debtor | <u>\$195,200.00</u> |
| b. Property securing debt | <u>\$142,310.00</u> |
| c. Exempt property | <u>\$182,700.00</u> |
| d. Non-Exempt property | <u>\$0.00</u> |
| e. Priority unsecured claims | <u>\$0.00</u> |
| f. Chapter 7 trustee fee | <u>\$0.00</u> |
| g. Funds for Chapter 7 distribution (est.) | <u>\$0.00</u> |
| 2. Percent of unsecured, nonpriority claims paid under Plan (includes Special Class) | <u>0%</u> |
| 3. Percent of unsecured, nonpriority claims paid if Chapter 7 filed (est.) | <u>0%</u> |

Dated: 1/7/2015

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